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| 10/829,637 | 04/22/2004 | Kenneth M. Bednasz | 2002-060 | 7060 |
| 54472 7590 12/04/2008 COATS & BENNETT/SONY ERICSSON 1400 CRESCENT GREEN SUITE 300 CARY, NC 27518 | | | | |
| EXAMINER CUMMING, WILLIAM D | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KENNETH M. BEDNASZ

Application 10/829637
Technology Center 2600

Mailed: December 03, 2008

Before KRISTA ZELE *Deputy Chief Appeals Administrator*.
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL

This application was electronically received by the Board of Patent Appeals and Interferences on August 12, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER, MISSING CERTIFIED TRANSLATION

The Examiner relied on the foreign reference JP 2002-176678 in rejecting the claims. Full certified English translation(s) of the above noted foreign reference(s) are not of record in the Image File Wrapper (IFW).

When an Examiner relies on a document “in a language other than English, a translation *must* be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection” (emphasis added). MPEP §1207.02. Pursuant to a memorandum dated April 29, 2002 by Stephen G. Kunin, Deputy Commissioner for Patent Examination Policy:

Effective immediately, no appeal should be forwarded to the Board of Patent Appeals and Interferences for decision where: (1) a rejection is supported in whole or part by an abstract without reference to the underlying document, . . . ; or (2) a rejection is supported in whole or part by a prior art document not in the English language, unless accompanied by a translation of the prior art document into English.

The memorandum also states “[i]f the document is in a language other than English and the examiner seeks to rely on that document, a translation *must* be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection” (emphasis added).

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797

Accordingly, it is ORDERED that the application is
returned to the Examiner:

1) to obtain full certified English language translation(s) of the above
noted foreign reference(s);

2) to complete the IFW by having the translation(s) obtained scanned
into the IFW file;

3) to provide copies of the translations obtained to Appellant(s);

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797

KZ/jgr

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